

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Health Quality
2 Subcommittee

3 Representative Pafford offered the following:

Amendment (with title amendment)

6 Remove lines 16-52 and insert:

7 Section 1. Subsection (4) is added to section 381.0038,
8 Florida Statutes, to read:

9 381.0038 Education; needle and exchange pilot program.—The
10 Department of Health shall establish a program to educate the
11 public about the threat of acquired immune deficiency syndrome.

12 (4) The department shall establish a sterile needle and
13 syringe exchange pilot program within Miami-Dade County. The
14 program shall be administered by the department or the
15 department's designees. The department is authorized to
16 designate one of the following entities to operate the program
17 at a fixed location or through a mobile health unit: a hospital
18 licensed under chapter 395, a health care clinic licensed under
19 part X of chapter 400, a substance abuse treatment program, an

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20 HIV or AIDS service organization, or another nonprofit entity
21 designated by the department. The pilot program shall offer the
22 free exchange of clean unused needles and hypodermic syringes
23 for used needles and hypodermic syringes as a means to prevent
24 the transmission of HIV, AIDS, viral hepatitis, or other blood-
25 borne diseases among intravenous drug users and their sexual
26 partners and offspring.

27 (a) The needle and syringe exchange program shall:

28 1. Provide for maximum security of exchange sites and
29 equipment, including an accounting of the number of needles and
30 syringes in use, the number of needles and syringes in storage,
31 safe disposal of returned needles, and any other measure that
32 may be required to control the use and dispersal of sterile
33 needles and syringes.

34 2. Strive for a one-to-one exchange, whereby the
35 participant shall receive one sterile needle and syringe unit in
36 exchange for each used one.

37 3. Make available educational materials; HIV counseling
38 and testing; referral services to provide education regarding
39 HIV, AIDS, and viral hepatitis transmission; and drug use
40 prevention and treatment.

41 (b) Notwithstanding any other provision of law, the
42 possession, distribution, or exchange of needles or syringes as
43 part of a needle and syringe exchange program established by the
44 department or the department's designee is not a violation of
45 any part of chapter 893 or any other law.

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46 (c) A needle and syringe exchange program staff member,
47 volunteer, or participant is not immune from criminal
48 prosecution for:

49 1. The possession of needles or syringes that are not a
50 part of the exchange program; or

51 2. Redistribution of needles or syringes in any form, if
52 acting outside the program.

53 (d) The program shall collect data for annual and final
54 reporting purposes, which shall include information on the
55 number of participants served, the number of needles and
56 syringes exchanged and distributed, the demographic profiles of
57 the participants served, the number of participants entering
58 drug counseling and treatment, the number of participants
59 receiving HIV or hepatitis testing, and other data deemed
60 necessary for the program. However, no personal identifying
61 information may be collected from a participant for any purpose.

62 (e) State funds may not be used to operate the program.
63 The program shall be funded through grants and donations from
64 private resources and funds.

65 (f) The program shall expire July 1, 2018. Six months
66 before the program expires, the Office of Program Policy
67 Analysis and Government Accountability shall submit a report to
68 the President of the Senate and the Speaker of the House of
69 Representatives that includes the data collection requirements
70 established in this subsection; the rates of HIV, AIDS, viral
71 hepatitis, or other blood-borne diseases before the program
72 began and every subsequent year thereafter; and a recommendation
73 on whether to continue the program.

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74 (g) The department has the authority to adopt and develop
75 rules to implement the provisions of subsection (4).

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78 **T I T L E A M E N D M E N T**

79 Remove lines 3-11 and insert:
80 program; amending s. 381.0038, F.S.; requiring the
81 Department of Health to establish a sterile needle and
82 syringe exchange pilot program in Miami-Dade County;
83 establishing program criteria; providing for
84 expiration of the program; requiring a report to the
85 Legislature; providing rulemaking authority; providing
86 for severability; providing